

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD CARBONE, ET AL.,	:	
	:	
Plaintiffs	:	1:07-CV-08741-RMB
	:	
VS.	:	
	:	
NEW MILFORD HOSPITAL, ET AL	:	
	:	
Defendant	:	
	:	MARCH 25, 2008

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**ANSWER OF DEFENDANT, JOHN MULLEN, M.D.**

The defendant, John Mullen, M.D. (hereinafter, "the defendant" or "Dr. Mullen"), hereby responds to Plaintiffs' Complaint dated September 4, 2007 as follows:

1-2. The defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 1 and 2, and therefore, leaves the plaintiff to his proof.

3. The defendant admits the allegations set forth in paragraph 3.
4. The defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4, and therefore, leaves the plaintiff to his proof.
5. The defendant admits the allegations contained in paragraph 5.
6. The defendant admits that the plaintiff was admitted to New Milford Hospital for a right shoulder rotator cuff repair on December 28, 2006, as more fully set forth in the patient's

medical records. The defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 6 and, therefore, leaves the plaintiff to his proof.

- 7-8. The defendant admits the allegations contained in paragraph 7 and 8.
9. Insofar as paragraph 9 is directed to Dr. Mullen, it is denied.
10. Insofar as paragraph 10 is directed to Dr. Mullen, it is denied.
11. To the extent that paragraph 11 alleges that Dr. Mullen was negligent, it is denied.

The defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 11 and, therefore, leaves the plaintiff to his proof.

**AS AND FOR A SECOND CAUSE OF ACTION**

12. Defendant's responses to paragraphs 1 through 11 are hereby incorporated as this defendant's response to Paragraph 12, as if more fully set forth herein.
13. Insofar as paragraph 13 is directed to Dr. Mullen, it is denied.
14. Insofar as paragraph 14 is directed to Dr. Mullen, it is denied.
15. To the extent that paragraph 15 alleges that Dr. Mullen was negligent, it is denied.

The defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 15 and, therefore, leaves the plaintiff to his proof.

**AS AND FOR A THIRD CAUSE OF ACTION**

16. The defendant's responses to paragraphs 1 through 15 are hereby incorporated as this defendant's response to Paragraph 16, as if more fully set forth herein.

17. The defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17, and therefore, leaves the plaintiff to her proof.

18. To the extent that paragraph 18 alleges that Dr. Mullen was negligent, it is denied. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 18 and, therefore, leaves the plaintiff to her proof.

19. To the extent that this paragraph 19 alleges that Dr. Mullen was negligent, it is denied. The defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 19 and, therefore, leaves the plaintiff to her proof.

THE DEFENDANT  
JOHN MULLEN, M.D.

By: /s/Gretchen Grosick  
Gretchen Grosick (GG 4366)  
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**CERTIFICATION**

I hereby certify that on March 25, 2008, a copy of the foregoing Answer was filed electronically [and served by mail on anyone unable to accept electronic filing]. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

/s/Gretchen Grosick

Gretchen Grosick

Neubert, Pepe & Monteith, P.C.